

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

United States of America,)	
)	
Plaintiff,)	C.A. No. 8:05-2734-HMH-BHH
)	
vs.)	OPINION & ORDER
)	
Robert Barnwell Clarkson, individually)	
and d/b/a The Patriot Network,)	
)	
Defendant.)	

This matter is before the court on appeal of United States Magistrate Judge Bruce H. Hendricks' Order filed August 2, 2006, in which Magistrate Judge Hendricks denied Robert Barnwell Clarkson's ("Clarkson") motion to reconsider the December 21, 2005, order requiring The Patriot Network to obtain counsel within 20 days of the date of that order. See 28 U.S.C. § 636(b)(1)(A) (West Supp. 2006). Magistrate Judge Hendricks ordered The Patriot Network to obtain counsel because Clarkson alleged that The Patriot Network was a separate entity requiring separate service of process. See Rowland v. California Men's Colony, 506 U.S. 194, 201-02 (1993) ("It has been the law for the better part of two centuries . . . that a corporation may appear in the federal courts only through licensed counsel."). Moreover, Clarkson alleged that he was resigning as president of The Patriot Network and would assist in electing a new president. (Special Appearance ¶ 2.) Further, Clarkson submits that The Patriot Network is a non-profit political association.

After The Patriot Network was ordered to obtain counsel, Clarkson changed his position and now argues that The Patriot Network is his alter ego, which is not separate from

himself. Therefore, he argues that The Patriot Network does not need separate counsel.

Clarkson argues that The Patriot Network “has no separate existence except for the living individual Robert Clarkson.” (Mot. New Trial 2.) Further, Clarkson submits that The Patriot Network “has no bank account, other officers, no structure nor anything to represent except Clarkson.” (Id. 2-3.)

Although Clarkson has argued inconsistent positions, the court finds that The Patriot Network is not a separate entity from Clarkson. Therefore, the court vacates Magistrate Judge Hendricks’ order requiring The Patriot Network to obtain separate counsel.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
August 22, 2006

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that they have the right to appeal this order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.